

REMARKS

As a preliminary matter, enclosed is a corrected Information Disclosure Citation Form (Form PTO-1449) to be substituted for the original form submitted on March 1, 2004. The corrected form lists the date of the Houle et al. document, which date was not included on the original form. Since a copy of the reference and a listing of the reference were both provided with the original IDS filed March 1, 2004, Applicants believe that no fees are due. As an indication of consideration of the reference cited in the IDS, Applicants respectfully request that an initialed copy of the Corrected Form PTO-1449 be forwarded to Applicants' representative at the address of record.

In the Office Action mailed December 20, 2007, the Examiner noted that Claims 1, 2, and 5-26 were pending, and that Claims 1, 2, and 5-26 were rejected. Claims 1, 2, 13, 17, and 26 have been amended. Claims 1, 2, 13, and 26 are the independent claims. No new matter has been added by Applicants amendments. The Examiner's rejections are respectfully traversed below.

Claims 1 and 27 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claim 27 was cancelled, without prejudice, in Amendment A, thereby rendering this rejection moot with respect to this claim. However, with respect to Claim 1, Applicants respectfully traverse this rejection.

The claimed invention as a whole must be useful and accomplish a practical application, that is, it must produce a useful, concrete and tangible result (MPEP § 2106). Claim 1 has been amended to include a traffic recording unit recording information on a traffic that flows into a user's communication network, as described at page 35 lines 16-18 of the specification. Therefore, Applicants respectfully submit that the subject matter

of Claim 1 produces a useful, concrete, and tangible result. Accordingly, withdrawal of this §101 rejection of independent Claim 1 is respectfully requested.

Claims 1, 2, 5-9, 12-18, and 22-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent Application Publication No. 2004/0148520 to Talpade et al. in view of United States Patent No. 6,715,083 to Tovander. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the cited references fail to disclose all of the claimed features of the present invention. More specially, the cited references fail to disclose or suggest unauthorized access prevention technology that includes, *inter alia*, a feature involving “notifying, according to the determination that the countermeasure is implemented in a flow source that makes the unauthorized access flow into the user’s communication network, the determination of the place to implement the countermeasure to the flow source,” as recited in independent Claims 1, 2 and 26. The references fail to teach or suggest every feature of independent Claim 13, such as the feature defined by the following language: “a notification process for judging whether, when it is determined that the countermeasure is implemented in a flow source that makes the unauthorized access flow into the user’s communication network, the determination is notified to the flow source.”

The Talpade et al. reference merely disclose that DDoS (Distributed Denial of Service) traffic and non-DDoS traffic is filtered, and only non-DDoS traffic is forwarded to the customer. The Talpade et al. reference fails to disclose anything related to notifying the flow source that makes the unauthorized access flow, as defined in independent Claims 1, 2, 13, and 26.

The Tovander reference discloses a method and system for alerting an Internet service provider (ISP) having a server, or an Internet Connected Computer (ICC), that a potential hacker may be using it to attempt to access a target.

In particular, the Tovander reference discloses at column 3 (lines 6-11) that “The method includes the steps of detecting a hacking event at the targeted server (target), and reporting the hacking event to a server located outside the target (which could be an ISP functioning as an access point for the potential hacker, or an ICC located in a packet pathway).” In other words, Tovander merely discloses notifying implementation of a countermeasure for protecting services to a transmitter source that transmits the unauthorized access. Thus, Tovander also fails to disclose or suggest “notifying . . . a flow source that makes the unauthorized access flow,” as defined in independent Claims 1, 2 and 26, and as similarly defined in independent Claim 13 (“a notification process for judging whether, when it is determined that the countermeasure is implemented in a flow source that makes the unauthorized access flow into the user’s communication network, the determination is notified to the flow source”). This is the case because the flow source of Applicants’ independent claims is not the transmitter source of the Tovander reference.

Additionally, the technology of the Tovander reference is premised on each server of the each ISP tagging all packets and fingerprinting such packets originating from the potential hacker. *See* Tovander, column 2, lines 57-60, and column 6, lines 6-64. In contrast, the claimed invention need not process packets at all. Also regarding this point, the present invention is unrelated to the technology of Tovander.

In light of the above-noted deficiencies in the references, Applicants respectfully request the withdrawal of this §103(a) rejection of independent Claims 1, 2, 13, and 26, and associated dependent Claims 5-9, 12, 14-18, and 22-25.

Claims 10, 11, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Talpade et al. and Tovander, and in further view of United States Patent Application Publication No. 2004/0003286 to Kaler et al. Applicants respectfully traverse this rejection.

Claims 10, 11, and 19-21 all depend, indirectly, from independent Claim 2, and therefore include all of the features of Claim 2, plus additional features. Accordingly, Applicants respectfully request that this §103(a) rejection of dependent Claims 10, 11, and 19-21 be withdrawn considering the above remarks directed to independent Claim 2, and also because the Kaler et al. reference does not remedy the deficiencies noted above, nor was it relied upon as such.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned attorney.

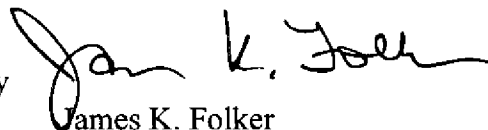
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Respectfully submitted,

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